NATIONAL CITY POLICE DEPARTMENT 1200 National City Boulevard PROPERTY RELEASE National City, CA 91950 CASE NO. OTHER REFERENCE PROPERTY TAG NO. Telephone (619) 336-4447 WITH A VALID PICTURE IDENTIFICATION PRESENT THIS RELEASE AT THE POLICE DEPARTMENT. CALL ABOVE PHONE NUMBER FOR APPOINTMENT TO RECOVER THE LISTED PROPERTY. FAILURE TO CLAIM THIS PROPERTY WITHIN 30 DAYS WILL RESULT IN ITS BEING DISPOSED OF ACCORDING TO LAW WRITTEN NOTARIZED AUTHORITY FOR RELEASE OF SAID PROPERTY MUST ACCOMPANY ANY PERSON SENT ON YOUR BEHALF. ores NAME RELEASE AUTHORIZED BY AydeLotte **ADDRESS** Hop & EVID CITY, STATE DIVISION ZIP DATE PHONE NO. PROPERTY LIST: DVD+R I0697972, I0097973, I0097974 COPIES 06

I CERTIFY UNDER PENALTY OF PERJURY, THAT I AM THE LAWFUL OWNER/GUARDIAN OF THE ABOVE DESCRIBED PROPERTY: I HAVE TAKEN POSSESSION OF THE DESCRIBED PROPERTY.

DATE

PD-350 (2/11)

PROPERTY REQUIVED BY

Related AIR #1501542 (Jacknis).

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NOTIFICATION

On Tuesday, March 10, 2015, at about 1730 hours, I received a call from Detective Sergeant Matt Smith requesting that I respond to NCPD to investigate an Officer Involved Shooting. The shooting occurred in the 000 block of Gladiola Drive in National City.

Sergeant Smith assigned me as the lead detective in this investigation.

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CASE SYNOPSIS

On Tuesday, March 10, 2015 at about 1	735 hours, Officer Quiroga (Canine Officer) initiated a traffic stop on
a black Honda Accord bearing California licens	se plate from the plate in violation of
	and led Officer Quiroga on a short pursuit. The vehicle eventually
Officer Quiroga initiated a	on the vehicle and ordered the driver, Jesus Anthony Flores-
	ied with Officer Quiroga's orders and stuck his hands out the driver's
door window. Corporal Pierson and Officer En	

Corporal Pierson moved to Officer Quiroga's position on the control of his vehicle so Officer Quiroga could get his Police Service Dog. Corporal Pierson positioned himself at the Pierson raised his handgun to point at Flores, he accidently discharged his firearm. The bullet struck Flores on his left arm.

Officers removed Flores from the vehicle and applied first aid to his wound. Paramedics arrived on scene and transported Flores to UCSD Medical Center in Hillcrest for a non-life threatening gunshot wound to his arm.

During a post Miranda Statement, Flores stated he fled from the officer because he was unlicensed and had an active misdemeanor warrant for his arrest. Flores was issued a misdemeanor citation for evading police in violation of Vehicle code 2800.1(a) and released from police custody at UCSD Medical Center.

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ORIGIN

On Tuesday, March 10, 2015 at about 1735 hours, Officer Quiroga attempted to conduct a traffic stop on a black Honda Accord bearing California license plate for not having a front license plate in violation of Vehicle Code 5200.

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BACKGROUND

Jesus Anthony Flores-Azhocar

At the time of the incident, Jesus Anthony Flores-Azhocar, was an unlicensed driver and had the following active misdemeanor warrant:

Warrant Number: M172698

Bail Amount: \$5,000

Issue Date: November 10, 2014

Judge's Name: Meza, Amalia L.

Issuing Court: San Diego

Violation Charged: 647(b) PC Disorderly Conduct: Prostitution

Flores is also a known Old Town National City (OTNC) Gang Member with the moniker of "Alert." Flores has law enforcement contacts where he has admitted to being an OTNC gang member and contacts where he was in the company of other OTNC gang members. For further details refer to Officer Dougherty's gang documentation report of Flores.

Flores' criminal history consists of the following arrests:

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BACKGROUND CONTINUED

Corporal Pierson:

Corporal Pierson has been a police officer at the National City Police Department (NCPD) for 18 years. Corporal Pierson is currently assigned to the Patrol Division. At the time of this incident, Corporal Pierson was assigned as Officer Engelke's Field Training Officer. During his tenure at NCPD, Corporal Pierson has worked on the Gang Enforcement Team, Special Weapons and Tactics Team, and on the Narcotics Task Force.

Officer Quiroga:

Officer Quiroga has been a police officer at NCPD for six years. Officer Quiroga is currently working Patrol as a Canine Officer.

Officer Engelke:

Officer Engelke has been a police officer at NCPD for four months. Officer Engelke is currently assigned to the Patrol Division as part of his Field Training Program. Officer Engelke is assigned to Corporal Pierson for his third phase of the Field Training Program.

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	On Tuesday, M	larch 1	0, 2015 a	t about 191:	5 hours,	NCPD Detectives arrive	d in the 40	0 block	of E. Division
St	reet and were briefed	l on th	e case by	Corporal (C	pl.) Wi	lkins. Cpl. Wilkins told	us the follo	wing:	
	license plate	and led	for not l Officer (naving a from Quiroga in a	nt licens	ffic stop on a black Hondse plate in violation of Vialification of which example pursuit which example.	ehicle Code	e 5200.	The vehicle
	the ood block o	u Giau	iioia Di iv	c.					
	officers.	Durin	g the			and Officer Engel Corporal Pierson fired a s ss-Azhocar (Flores), in the	ingle gunsh	ot in a	northerly
	first aid to Flor	es' inji	ury until p	oaramedics ((San Di	ego Fire Engine #12, AN treatment for a non-life	IR #413) aı	rrived o	on scene. Flores
		nciđen	t and may	have a vide	eo recor	ding of it. Corporal Wilkitnesses.		ated tha	t patrol officers
<u>IN</u>	<u> VESTIGATION C</u>	<u>ONTI</u>	NUED:						
	We also learned	l that l	Flores' br	other		w/ac arrect	ed at the sc	ene for	148(a)(1) PC –
Re	esist/delay/obstruct a		_		snondec	to the scene after the sh			
	ficers' orders to rema	_	•				_		
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fu	· · · · · · · · · · · · · · · · · · ·			•		er Stevens' arrest report.			
ae	Sergeant Smith	assign	ned me as	the lead det	ective i	n this investigation and l	delegated	the foll	lowing
ab	premiones.								
	Detectives O. R suspect, Jesus A				ere tasl	ced with going to the hos	pital and st	tanding	; by with the
	Detectives V R	ernanc	lo and A	Denascale	vere toe	ked with interviewing w	itness 🕶		and
				-		stated he saw		order i	
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window and heard a gunshot. Considerable looked outside and saw that the suspect had been shot and officers were administering first aid to the suspect.

After the pulled out his cellphone and began to record a video of the incident. Showed Detectives the video he recorded and voluntarily turned over his cellphone so we could download the video. For details, refer to the supplemental reports by Detectives Fernando and Depascale.

- Detectives Fernando and Depascale were also tasked with interviewing the Flores at UCSD Medical Center.
 During a post Miranda statement, Flores admitted to fleeing from the police because he was unlicensed and had a warrant for his arrest. Flores consented to a blood draw and to police searching his vehicle (Honda Accord CA
- Detectives Ballardo and Garcia were tasked with conducting a neighborhood canvas for witnesses. Detectives interviewed several witnesses, but no one actually witnessed the shooting. Several witnesses observed the and could hear/see the officers giving the suspect orders and the suspect complying with those orders. For details, refer to the supplemental report by Detective Ballardo and Garcia.
- Detectives R. Gonzalez, Springer and Property and Evidence Specialist A. Flores were tasked with processing the crime scene. For details of the crime scene, refer to the supplemental report by Detectives R. Gonzalez, Springer and Property and Evidence Specialist A. Flores.

INVESTIGATION CONTINUED:

Officer Quiroga was still at the scene so I had him conduct a walk-through of the scene to confirm the officers and suspect's position during the shooting. The following individuals were present for the walk-through: Detective Nagle, District Attorney Investigator J.C. Smith, Sergeant Cameon (I.A.), Lieutenant Fifield (I.A.) and myself. Detective Springer recorded a video of the walk-through.

After the walk-through of the scene, Officer Quiroga retrieved his police service dog who was still in his patrol vehicle. Officer Quiroga secured his service dog and then returned to NCPD to be interviewed.

Detective Nagle and I responded to the NCPD detective bay conference room and met with Corporal Pierson and his attorney, Richard Pinckard. I took pictures of Corporal Pierson and Detective Nagle later downloaded the pictures onto a compact disc. Detective Nagle impounded the disc into evidence at the NCPD Property and Evidence room.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Zeferino	423		Smith	334	04/03/2015 07:54

INCIDENT NUMBER	SAN DIEGO REGIONAL OFFICER'S REPORT NARRATIVE			PAGE	CASE NUMBER			
				25 OF 31	1501541			
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000 GLADIOLA DR. NA	TIONAL CITY,	CA 91950 ·						

I then collected Corporal Pierson's department issued firearm, a Model (Serial number Corporal Pierson unloaded the firearm and removed his magazines. I collected the expelled cartridge from the firearm, the magazine which was inserted in the firearm, and magazines from Corporal Pierson's duty belt. I gave the items to Detective Nagle who secured them in the detective's temporary evidence storage room. Corporal Pierson told me his magazines were filled to capacity which is cartridges.

Corporal Pierson and his attorney requested we have the Internal Affairs Division present during the interview. Sergeant Cameon and Lieutenant Fifield subsequently responded to our location. Detective Nagle, District Attorney Investigator J.C. Smith, Sergeant Cameon (I.A.), Lieutenant Fifield (I.A.) and myself were present during the interview with Corporal Pierson. Our interview with Corporal Pierson was video/audio recorded. I later downloaded the recording onto a compact disc and impounded the disc into evidence at the NCPD Property and Evidence Room.

The following is a synopsis of Corporal Pierson's interview. For his complete interview refer to the compact disc containing the recorded interview.

STATEMENT OF CORPORAL DARREN PIERSON:

Pierson was working patrol with trainee, Officer Engelke, when he heard Officer Quiroga broadcast over the police radio that he was in a vehicle pursuit with a Honda Accord. Officer Quiroga put out that he was at Gladiola Drive. Corporal Pierson directed Officer Engelke to drive to the area.

Corporal Pierson is familiar with this particular area because it is on the border of the Old Town National City street gang and the Shelltown street gang from San Diego. Corporal Pierson has seen gang graffiti from Shelltown and their subset Gamma Street. Corporal Pierson has also made several arrests in the area.

When Corporal Pierson and Officer Engelke arrived on Gladiola Drive, he saw the suspect vehicle stopped right in the mouth of Gladiola Drive with E. Division Street. Officer Quiroga was behind the suspect vehicle and was conducting a distribution. Officer Quiroga was outside his driver's door pointing his gun at the suspect/driver. Based on the fact the suspect failed to yield to Officer Quiroga, Corporal Pierson believed he was possibly driving a stolen vehicle, in possession of a firearm or contraband, or had just committed a felony crime.

Corporal Pierson started to move to the front passenger side of Officer Quiroga's patrol vehicle when Officer Quiroga directed him to come to the driver's side. Corporal Pierson moved to Officer Quiroga's position behind the driver's door. Officer Quiroga told Corporal Pierson to take over his position so he could retrieve his canine.

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Corporal Piers	on knows i	it is common	practice for

Corporal Pierson subsequently moved to the position on the Corporal Sequencing in between Officer Quiroga and the patrol vehicle. Corporal Pierson positioned himself at the Corporal Pierson removed his handgun from the holster. Corporal Pierson raised his handgun to point it at the suspect for the As Corporal Pierson raised his handgun, he re-adjusted his grip and unintentionally hit his right arm on the vehicle's front pillar. As a result of hitting his arm, Corporal Pierson accidently pulled the trigger discharging one bullet in a northerly direction, towards the suspect.

When Corporal Pierson heard the round go off it took him a "minute" to realize his handgun had moved and he discharged the round. Corporal Pierson and Officer Quiroga quickly changed their mindset from being concerned about what the suspect was doing and the threat he posed to now being worried about what condition he was in.

The suspect leaned out the driver's window and said, "Hey, you shot me." Corporal Pierson and Officer Quiroga advanced on the vehicle and realized the suspect sustained a gunshot wound to his left arm. Corporal Pierson immediately requested paramedics and a supervisor respond to the scene.

Corporal Pierson and Officer Quiroga told the suspect they were going to pull him out of the vehicle and administer first aid to his injury. The suspect was subsequently taken out of the vehicle and sat down off to the side. Officers immediately applied bandages and pressure to the suspect's injury until paramedics arrived on scene.

INVESTIGATION CONTINUED:

After interviewing Corporal Pierson, Detective Nagle and I, interviewed Officer Engelke. Our interview with Officer Engelke was conducted in NCPD Interview Room B. The interview was audio/video recorded. Officer Engelke also completed a supplemental report detailing his involvement with this incident.

The following is a synopsis of Officer Engelke's statement. For Officer Engelke's full statement refer to his supplemental report and the compact disc containing the recorded interview.

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STATEMENT OF OFFICER KEVIN ENGELKE:

On Tuesday, March 10, 2015 at about 1735 hours, Officer Engelke was partnered with Field Training Officer Darren Pierson. Officer Engelke was driving a marked patrol vehicle in the area of E. 6th Street and D Avenue. Officer Engelke heard a radio call that Officer Quiroga was following a vehicle and it was not pulling over. Officer Engelke believed the suspect was possibly wanted and that was the reason he did not pull over.

Officer Engelke responded with his emergency lights and siren activated to the area of E. 1st Street and F Avenue. Officer Quiroga then broadcasted that the vehicle had stopped in area of E. Division Street and Gladiola Drive. Officer Engelke subsequently responded to the area and pulled in behind Officer Quiroga's patrol vehicle.

Officer Engelke saw Officer Quiroga	outside his vehicle, pointing hi	s gun at the vehicle. Officer
Engelke and Corporal Pierson exited their pat	rol vehicle. Officer Engelke n	noved to the
and Corporal Pierson moved to		Officer Engelke opened
drew his handgun and pointed	d it at the vehicle.	•

Officer Engelke saw the suspect's hands extended out the driver's window. The suspect's hands then started to go limp and it appeared to go back inside the vehicle. Officer Engelke said his view was partially obstructed so he wasn't sure where the suspect placed his hands.

Officer Engelke then heard a gunshot. Officer Engelke looked over at Corporal Pierson. Corporal Pierson appeared to be looking at his gun and said, "Oh shit." The suspect then said, "I'm hit, I got shot." Officer Quiroga then ordered the suspect to put his hands out the driver's window.

Corporal Pierson ran up to the suspect vehicle and opened the door. At that point Officer Engelke saw that the suspect had been shot in the left arm. Officer Engelke and Officer Kalankiewics (who arrived on scene after the shooting) sat the suspect on the ground, patted him down and searched his pockets. Office Engelke and Kalankiewics then bandaged the suspect's wound and applied pressure to it until paramedics arrived on scene.

Officer Engelke said the suspect did not have any weapons in his possession. The suspect had a cellphone and a long skinny tool in his pocket. The suspect said he used the tool to pick doors.

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INVESTIGATION CONTINUED:

After interviewing Officer Engelke, Detective Nagle and I, interviewed Officer Quiroga. Our interview with Officer Quiroga was conducted in the NCPD Line Up room. The interview was audio/video recorded. Officer Quiroga also completed an arrest report for Flores.

The following is a synopsis of Officer Quiroga's statement. For Officer Quiroga's full statement refer to his arrest report of and the compact disc containing the recorded interview.

STATEMENT OF OFFICER RAZIEL QUIROGA:

On Tuesday, March 10, 2014 at about 1735 hours, Officer Quiroga was conducting extra patrol in the area of E. 3rd Street and B Avenue. Officer Quiroga was turning northbound from E. 3rd Street onto B Avenue when he observed a black Honda Accord traveling northbound in the 300 block of B Avenue. The vehicle did not have a front license plate in violation of 5200(a) Vehicle Code.

The vehicle then turned eastbound onto E. 3rd Street. Officer Quiroga made a U-turn to get back onto E. 3rd Street to pursue the vehicle. When Officer Quiroga got onto E. 3rd Street he noticed the vehicle had picked up speed and failed to stop at the stop sign in the intersection of E. 3rd Street and D Avenue. Officer Quiroga activated his emergency lights and attempted to conduct a traffic stop on the vehicle.

The suspect vehicle failed to stop and continued traveling eastbound on E. 3rd Street. The vehicle then turned northbound onto F Avenue failing to stop at the stop sign and almost colliding with a vehicle traveling southbound on F Avenue. Officer Quiroga then activated his sirens and continued to pursue the vehicle.

The vehicle then turned westbound onto E. 1st Street traveling on the eastbound lane before turning northbound onto Gladiola Drive (alley). The vehicle sped through the alley and skidded to a stop at the intersection with E. Division Street. Officer Quiroga caught up to the vehicle and initiated a Officer Quiroga drew his handgun and pointed it at the suspect.

The suspect immediately put his hands up. Officer Quiroga ordered the suspect to stick his hands outside the driver window and he complied. The suspect then placed his right hand back inside the vehicle out of Officer Quiroga's view. Officer Quiroga again ordered the suspect to stick his hands out the window. The suspect complied with Officer Quiroga's orders.

About that time, Corporal Pierson and Officer Engelke arrived on scene. Officer Quiroga asked someone to come to his side and take over his position at the 'factorial" Officer Quiroga moved off to his left and Corporal Pierson took over his position.

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As Officer Quiroga turned towards Corporal Pierson, he saw the suspect's hands come back down and then Corporal Pierson fired one shot. Corporal Pierson then said, "Oh shit."

Officer Quiroga focused his attention back on the suspect and saw a piece of the driver side mirror fall to the ground. The suspect had both his hands back inside the vehicle. Officer Quiroga ordered the suspect to stick his hands out the window. The suspect complied and Officer Quiroga saw that the suspect sustained a gunshot wound to his left arm.

Officer Quiroga then changed his mindset from doing a the suspect to rendering first aid to the suspect. Officers moved up to the vehicle and open the door. The suspect stepped out and Officer Quiroga escorted him off to the side where he took a seat on the ground. Officer Quiroga retrieved a gauze bandage and an ace wrap from his patrol vehicle. Officer Quiroga gave the gauze and the ace wrap to Officer Kalankiewicz to apply on the suspect's wound.

INVESTIGATION CONTINUED:

Once Detectives finished processing the scene, Flores' vehicle was impounded by Road One Towing for 14602.6 CVC – Unlicensed Driver and placed on a 30 day hold. For details regarding the tow refer to Officer Gisi's supplemental report.

The suspect, Jesus Flores-Azhocar, was admitted at UCSD Medical Center. Flores sustained a broken elbow as a result of the gunshot wound and required surgery. Detectives' Depascale and Fernando obtained a signed consent to release medical records form from Flores. Flores also consensually provided detectives with a blood sample. Refer to Detectives Fernando's and Depascale's supplemental reports for further details. Since Flores was not scheduled for surgery until the following day he was issued a misdemeanor citation for 2800.1(a) PC – Evading Police and released at the hospital (Citation #N232499).

On Wednesday, March 11, 2015, I removed Corporal Pierson's firearm, Model (Serial number
the expelled cartridge from the firearm, and the magazines from the detective temporary evidence
storage room. I took the items into the NCPD Property and Evidence Room where they were photographed by
Property and Evidence Specialist A. Flores. The firearm was then inspected by Detective A. Garcia, who is a NCPI
Armorer. Detective Garcia told me the firearm appeared to be in good working order and had no
modifications.

I then unloaded the magazines I obtained from Corporal Pierson. The magazine that was removed from the firearm contained cartridges. The magazines from the magazine pouch each contained cartridges each. There was a total of cartridges which is consistent with Corporal Pierson only discharging one cartridge.

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After the above items were photographed, Detective Fernando assisted me with impounding the items. P.E.S. Flores later downloaded the photographs onto a compact disc and impounded the disc into evidence. Detective Fernando completed a Crime Lab Work Request to have Corporal Pierson's firearm tested for operability and to have Flores' blood analyzed for the presence of alcohol and drugs.

On Friday, March 13, 2015, Officer Phillips responded to UCSD Medical Center, to take custody of a bullet fragment that was removed from Flores' arm during his medical treatment. Officer Phillips later impounded the fragment into evidence at the NCPD Property and Evidence room. Refer to Officer Phillips supplemental report for further details.

On Wednesday, March 25, 2015, Corporal Pierson's firearm returned from the San Diego Sheriff's Department Crime Lab. The Laboratory Service Report for the firearm arrived on April 21, 2015 with the following conclusion:

The pistol is operable and the magazine is correct for the pistol. The unexpended cartridges are correct for the pistol and are consistent with magazine ammunition.

For further details regarding the lab analysis of Corporal Pierson's firearm refer to the Sheriff's Crime Lab Report.

On Wednesday, April 01, 2015, Detective Fernando and I, responded to UCSD Medical Center to obtain Flores' medical records. I provided the Medical Records Department with a copy of the Authorization to Release Patient Records Form signed by Flores. I was then given a copy of Flores' medical records. The medical records stated that Flores had comminution (splintering) of the bones within the region of his left elbow (proximal ulna, distal ulna, and olecranon). For further details regarding Flores' injury refer to the medical records which were impounded into evidence.

On Wednesday, April 15, 2015, I received the Laboratory Service Report for Flores' Blood Alcohol Concentration. The report indicated that Flores did not have alcohol in his system. I am still waiting on the crime lab report indicating the presence of any drug or narcotic in Flores' blood.

On Wednesday, April 15, 2015, I also spoke to informed me that I needed to go through his attorney. I told I needed to inform Flores that the court date on his misdemeanor citation (#N232499) for the 2800.1(a) VC had changed and he would be receiving further instructions in the mail. told me she would let Flores know.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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EVIDENCE:

Tag #: Item description:

I0097972 Compact disc with recorded interview of Corporal Pierson

I0097973 Compact disc with recorded interview of Officer Quiroga

I0097974 Compact disc with recorded interview of Officer Engelke

I0097982 Jesus Anthony Flores-Azhocar's Medical Records

End of Report.

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ADDITIONAL CODE SECTION(S)		NSUING OFF	ICER - MISURREAMON		
LOCATION OF INCIDENT. CITY	STATE ZIP				
300 E 03RD ST, NAT	IONAL CITY, (CA 91950			

OFFICER'S ARREST REPORT

On 03-10-15 at approximately 1735 hours, I initiated a traffic stop on a vehicle in the area of 300 East 3rd Street, National City.

I was in full police uniform driving a marked National City Police vehicle. I was driving the police vehicle westbound in the area of 200 East 3rd Street. I arrived at the intersection of East 3rd Street and B Avenue and made a right turn to drive north onto B Avenue. I saw there were two vehicles traveling northbound on B Avenue; these two vehicles had been stopped at the intersection with East 3rd Street. The first vehicle was a green Chevrolet suburban and the vehicle behind the Suburban was a Black Honda. Prior to making the right turn onto B Avenue, I saw that the Honda did not have a front plate; this was a violation of section 5200 (a) of the California Vehicle Code.

I decided to conduct a traffic stop on the Honda so I stopped my police vehicle to the right and allowed the Suburban to pass me thinking that the Honda would continue to drive north on B Avenue. However; the Honda did not continue to drive north and the driver, later identified as Jesus Anthony Flores-Azhocar, made a right turn to drive the vehicle east onto East 3rd Street. Once the Suburban passed me, I made a three point turn and proceeded to drive south on B Avenue and subsequently east onto East 3rd Street. Once I drove my police vehicle East onto East 3rd Street, I could see that Flores was driving his vehicle at a high rate of speed. I saw there was dust in the air from him speeding. I then saw Flores did not make a complete stop at the stop sign located at East 3rd Street and D Avenue, a violation of section 22450(a) of the California Vehicle Code.

I sped up to eatch up to Flores and crossed the intersection of East 3rd Street and D Avenue. While in the area of 500 East 3rd Street, I activated my emergency lights which include a red solid light. I was approximately three to five vehicle lengths behind Flores. I tried to radio dispatch, but I was unable to because another officer was on the air. Flores did not yield to my emergency lights and sped away still eastbound and arrived at the intersection of East 3rd Street and F Avenue. Flores did not stop at this intersection and entered it at a high rate of speed; not yielding to a vehicle traveling southbound on F Avenue. I saw that this vehicle had to brake to avoid a collision with Flores. Flores violated section 21801 (a) of the California Vehicle Code. (I later drove by this same intersection and I saw there was a stop sign at which Flores did not stop. Flores again violated section 22450 (a) of the California Vehicle Code when he ran that stop sign). Flores drove the Honda northbound onto F Avenue.

The first thing that I thought about when Flores failed to yield to my emergency lights was that he was probably driving a stolen vehicle. During my tenure as a police officer, I have investigated or assisted in the investigation of more than 20 stolen vehicles where the vehicles were Hondas. I became nervous at the thought of this because, just a few days prior to this stop, we had been briefed about a officer involved shooting where the suspect of a stolen vehicle had run out of the stolen vehicle with a firearm in his hand. This suspect was shot by a District Attorney Investigator. I have also been involved in the investigation of or assisted in investigations of more than ten stolen vehicles where firearms were involved.

I drove my police vehicl	e north on F	Avenue and	radioed dispatch that I was	in pursuit of a	black Honda.
		I activated n	ny police siren and Flores co	ontinued to fai	I to yield and traveled to
the intersection of East 1			paced Flores with my polic		he traveled at
REPORTING OFFICER	ID#	NOISIVIA	APPROVED BY	ID#	DATE AND TIME OF REPORT
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VC 2800.1 - ATTEMP	<u>T TP EVADE P</u>	URSUING OFF	ICER - Misdemeanor		
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LOCATION OF INCIDENT, CITY					
300 E 03RD ST. NAT	IONAL CITY,	CA 91950			

approximately 50 miles per hour. Flores drove his vehicle the wrong way, westbound onto the eastbound lane of East 1st Street. Flores violated section 21650 of the California Vehicle Code. I followed Flores and I saw that he then drove northbound onto Gladiola Drive. Once I made the northbound turn onto Gladiola Drive (which is essentially an alley with a street name), I saw there was dust everywhere, Flores was speeding through the alley (Gladiola Drive) and had arrived to the intersection of East Division Street and Gladiola Drive. I saw that Flores slammed on his brakes which caused his vehicle to skid to a stop. There were two vehicles that had been traveling eastbound on East Division Street, which Flores would have collided with had he not stopped his vehicle.

I stopped my police vehicle behind Flores and I initiated a month of my police vehicle near the 'and ordered him to stick his hands out of his window. I stood behind the more police of my police vehicle near the 'and held Flores at gunpoint. I radioed my location and waited until more police officers arrived. While I waited for other police officers to arrive, I said the following to Flores "Keep your hands out of the window. If you bring your hands down you are going to get shot." I heard a police vehicle arrive and without taking my eyes away from Flores, I signaled the officer with my right hand to come to my location. I said "I need someone to take my spot." I saw that the officer was Corporal Pierson. I wanted Corporal Pierson to so that I could get my out of the back of my police vehicle.

Corporal Pierson said something to the effect of "I got you Q," ('Q' is the nickname to which I'm often referred to as). I moved slightly to my left and allowed Corporal Pierson to take the position I originally had near the 'Once Corporal Pierson began to take my position and take his firearm out, I began turning my head to the right and started to bring my firearm to my holster. Corporal Pierson and I stood shoulder to shoulder. Flores began to bring his hands down into the vehicle. Simultaneously, I heard a Corporal Pierson shoot his firearm once while it was pointed in Flores' direction. I turned back to Flores and I saw that he did not have his hands up anymore. I ordered Flores to bring his hands back up and I saw that he was bleeding from his left arm. I believed that Flores had been shot. I then made the decision to move to Flores to render him aid

Corporal Pierson and I walked to Flores; I still had my firearm

pointed at him.

I opened the driver's side door, holstered my firearm and had Flores exit his vehicle. I saw that Flores had a gunshot wound to the left arm. Officer Kalankiewicz arrived and he walked Flores to a retaining wall located to the west side of Flores' vehicle. Corporal Pierson requested paramedics for Flores. I walked to my police vehicle and I retrieved a gauze pad and band. I gave the pad and band to Officer Kalankiewicz and instructed him on how to apply it to Flores' wound. Flores stated he did not stop because he had a suspended license and he knew he had a misdemeanor warrant. Flores also stated that he became scared when he saw the police. Paramedics arrived and transported Flores to the hospital for further treatment.

Corporal Wilkins arrived and assumed the investigation. I walked back to my police vehicle to close the driver's side door and I saw there was a shell casing on the driver's side floor board. Detectives from the NCPD Investigations Division arrived and continued the investigation.

End of Report R. Quiroga NCPD #457

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Quiroga	457	PAT	Smith	334	03/23/2015 21:47
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LOCATION OF INCIDENT, CIT	Y STATE ZIP				
00 GLADIOLA DR. NA	ATIONAL CITY,	CA 91950			

OFFICER'S SUPPLEMENTAL

On Tuesday, March 10, 2015 at about 1735 hours I was working as a uniformed National City Police Officer partnered with Corporal Pierson. We were driving a marked police vehicle. On this date and time, we heard a radio broadcast from Officer Quiroga that he was attempting to conduct a traffic stop which turned into a pursuit. I responded with lights and siren to assist Officer Quiroga in a pursuit in the area of E. 1st and F Ave.

While en route to assist, I heard over the radio the vehicle had stopped at Division St. and Gladiola Dr.

I drove onto Gladiola Dr. from E. 1ST St. and stopped behind Officer Quiroga's vehicle. I saw Officer Quiroga had his handgun pointed at the vehicle. I saw a black Honda four door facing northbound on 00 Gladiola Avenue.

I ran to Officer Quiroga's which. I used as while we were in the process of conducting a 'man' It appeared to only have one occupant in the vehicle. The suspect in the vehicle had his hands out the driver's side window, fully extended. From my vantage point it appeared the suspect started to put his hands down into the vehicle. I heard a gunshot and I immediately looked at Corporal Pierson, who said "Oh, shit" and he looked at his handgun. Officer Quiroga told the suspect to keep his hands out the window, and he complied by keeping his arms out of the window. I heard the suspect in the vehicle say what appeared to be "I'm hit!" Corporal Pierson walked to the suspect's driver side door and opened the door. I walked to the driver's side door of the suspect's vehicle and saw that the suspect was holding his left arm. The suspect stated, "Why did you shoot me?" Officer Kalankiewicz and I started first-aid for the suspect and applied pressure to the wound on his left arm. While I applied pressure on the wound, Officer Kalankiewicz applied a first-aid wrap around the suspect's arm.

After the scene was secured, I took over as the crime scene scribe on the north perimeter at E. Division and Gladiola Dr. Listed below are the individuals I documented in and out of the crime scene.

Since possible fragments of a bullet casing were found on Division St. just north of the suspect's vehicle, I replaced the crime scene tape further east on the 500 block of Division St. to secure the fragments.

At about 1840 hours, I was relieved as scribe by Officer Sakamoto.

CRIME SCENE LOG:

ENTERED SCENE:	EXIT SCENE:	NCPD PERSONNEL/RESOURCES:
1740		Officer Duran #479, entered the crime scene.
1747		Officer Stevens #475, entered the crime scene
1748		Paramedic C. Valdez and J. Mccormach, entered crime scene.
:	1748	Officer Steven #475, exited the crime scene.
1749		Officer Adams #437, entered the crime scene.

REPORTING OFFICER	îD#	DIVISION	APPROVED 8Y	אכו	DATE AND TIME OF REPORT
Engelke	485		Smith	334	03/11/2015 00:25

INCIDENT NUMBER			N DIEGO REGIONAL 'S REPORT NARRATIVE	PAGE 3 OF 3	CASE NUMBER 1501541
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LOCATION OF INCIDENT, CITY 00 GLADIOLA DR, NA		CA 91950			

1751		Officer Nguyen #447, entered the crime scene.
	1751	Officer Adams #437, exited the crime scene.
ENTERED SCENE:	EXIT SCENE:	NCPD PERSONNEL/RESOURCES:
1751		Officer Nguyen #447, exited the crime scene.
1757		Officer Nguyen 347, entered the crime scene.
	1757	Officer Duran #479, exited the crime scene.
	180 0	Officer Nguyen #447, exited the crime scene.
1810		Chief Rodriguez #426, entered the crime scene.
	1812	Chief Rodriguez #426, exited the crime scene.
1820		Officer Gisi #418, entered the crime scene.
1824		Officer Stevens #475, entered the crime scene.
	1826	Officer Stevens #475, exited the crime scene.
1826		pick up his daughter from his mother in laws house, located at
1826		V. Wilson #2780, entered the crime scene.
	18 28	V.Wilson #2780, exited the crime scene.
1829		Cpt. Tellez #300, entered the crime scene.
	1836	Cpt. Tellez #300, exited the crime scene.
	18 38	Officer Gisi #418, exited the crime scene.
1840		Officer Sakamoto #439, entered the crime scene, to relieve me.

END OF REPORT

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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ADDITIONAL CODE SECTION(S)											
LOCATION OF INCIDENT, CITY STATE ZIP											
00 GLADIOLA DR. NATIONAL CITY, CA 91950											

DETECTIVE'S SUPPLEMENTAL

On March 10, 2015, at approximately 1810 hours, Sergeant Smith notified me via telephone to respond to NCPD to assist with an investigation into an officer involved shooting that just occurred at 00 Gladiola Drive in National City. Upon my arrival to NCPD, I was informed that I would be assisting Property & Evidence Specialist Flores and Detective Gonzales with the crime scene.

All of the investigating detectives met with Corporal Wilkins near the scene and were briefed regarding the facts and information available at that time. The crime scene had already been cordoned off with crime scene tape prior our arrival. The area of the crime scene was very dark at the time; some of it was dimly lit by the lights from two nearby homes. So, without the use of an alternate light source, it was difficult to see any evidence inside the scene. Detective Gonzales and I assisted Flores while she photographed part of the scene on Division Street without numbered evidence markers. Prior to entering onto Gladiola Drive, Officer Quiroga assisted us by conducting a "walk-through" of the scene in order to avoid disturbing evidence and to gain a better understanding of the events that took place during the incident. I used a digital camcorder to video/audio record Officer Quiroga's "walk through" statement.

After Officer Quiroga's "walk through" statement, Flores continued to photograph the scene. I used a digital camera to photograph the position of Flores' camera during part of the investigation – in order to document the exact location of her camera in perspective to the scene. Detective Gonzales and I assisted Flores by lighting the scene, marking/numbering evidence, taking measurements, and collecting evidence. Refer to Detective Gonzales' and Property & Evidence Special Flores' Supplemental Reports for further details.

The following day, March 11, 2015, I returned to the scene and photographed the area of the scene during daylight hours. On March 12, 2015, Detectives Fernando, Gonzales, and I met with the resident at obtained permission to enter the home in order to photograph Gladiola Drive from inside the northeast bedroom. The photographs were shot through the home's northeast bedroom window (facing north) in order to show a general perspective someone would have when viewing Gladiola Drive from that particular location. Afterward, I assisted Detective Gonzales measure the distance from the northeast window (facing north) of to the blood stains on Gladiola Drive. Refer to Detective Gonzales' Supplemental Report for details.

On March 12, 2015, I met with Property & Evidence Specialist Flores at the NCPD Property & Evidence station and obtained the two round containers (suspected of containing "honey oil") that were collected from the Honda Accord at the scene. The substance contained inside both round containers had the color of honey and a consistency of a smooth paste or cream. When opened, the substance contained in both containers had a strong smell of marijuana. I obtained the gross weight (12.5 grams) of both containers including the substance contained within them. Then, I submitted part of the substance contained in one container to a presumptive test, which indicated it contained THC (Hash Oil). Afterward, I placed both containers into a kapak bag and sealed it as evidence. Then, I gave the packaged evidence back to Property & Evidence Specialist Flores.

That same day, I arranged to photograph the entire scene while inside ASTREA as it flew over National City. I impounded all of the digital evidence (photographs and audio/video that I took during this investigation) into the NCPD Property & Evidence.

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
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INCIDENT NUMBER	NT NUMBER SAN DIEGO REGIONAL PAGE OFFICER'S REPORT NARRATIVE 3 OF 3							
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PRIMARY CODE SECTION VC 2800.1(A) - ADDITIONAL CODE SECTION	EVADING PEACE (OFFICER						
LOCATION OF INCIDENT.	CITY STATE ZIP				**************************************			
00 GLADIOLA DR.	NATIONAL CITY	CA 91950						

On March 17, 2015, Detective Gonzales and I took some measurements of Officer Quiroga's patrol vehicle driver door. Refer to Detective Gonzales' Supplemental Report for details.

EVIDENCE:

TAG#	DESCRIPTION
10097931	CD-R disc w/ photographs of scene day after incident
10097932	CD-R disc w/ video of scene "walk through" and photographs
10097933	CD-R disc w/ photographs taken during ASTREA flight
10098137	2 small vials/containers of honey oil found on Honda Accord driver's front seat

END OF REPORT

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Springer	389		Smith	334	03/17/2015 07:38

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OFFICER'S SUPPLEMENTAL

On March 10, 2015 at about 1735, I monitored a radio broadcast from Officer Quiroga regarding a vehicle that was failing to yield after he attempted to initiate a traffic stop. The area Officer Quiroga attempted to conduct the traffic stop was East 1st Street and F Avenue. I continued to monitor as Officer Quiroga radioed that the driver of a Black Honda Accord (California was driving erratically and without regard for public safety.

At about, 1737 hours, Officer Quiroga radioed the vehicle came to a stop at Gladiola Drive and East Division Street. At about this time, I heard Officer Quiroga request for Paramedics/Fire personnel and a Supervisor to respond to the scene. At this time, I was the Acting Sergeant and Field Supervisor and was already responding from the area of 800 Roosevelt Avenue.

Upon my arrival (at approximately 1739 hours) I saw a Hispanic male (identified as Jesus Flores-Azhocar (09/30/94) seated on the ground with his left arm elevated as Officers Quiroga and Kalankiewicz appeared to be administering first aid. Flores-Azhocar was bleeding from his left elbow which Officer Quiroga had already wrapped with gauze and a bandage.

I was initially briefed by Officer Quiroga as to what occurred prior to my arrival.

Following the pursuit Flores-Azhocar was forced to stop his vehicle in order to avoid colliding with another vehicle that was travelling east on Division Street. Flores-Azhocar's brought his Honda came to a stop facing north in the 000 Block of Gladiola Drive. Quiroga and other officers (Pierson, Engelke, and Kalankiewicz) initiated a Quiroga told the suspect (Flores-Azhocar) to place his hands up in the air. Quiroga stated he told Flores-Azohocar not to lower his hands or he would be shot. Quiroga saw Flores-Azhocar raise his hands and then suddenly drop them. Corporal Pierson had a tactical position behind Quiroga and Pierson fired one shot striking the suspect in the left arm.

After realizing the suspect was hit by the round, Quiroga directed him out of the vehicle and ensured Flores-Azohocar did not have weapons. Quiroga, then immediately administered first aid to the suspect's gunshot wound to his left elbow.

As I was speaking with Quiroga, other officers were securing the scene from both the south and north ends of Gladiola Drive and the area of Flower Drive and Division Street. I noted the following National City Police Officers were on scene: Quiroga #457, Kalankiewicz #481, Engelke #482, G. Gonzalez #473, Duran #479, Stevens #475, Gisi #418 as well as Corporal Pierson #440. San Diego Fire Engine Company #12 along with AMR Unit #413 arrived on scene and attended to Flores-Azhocar's gunshot wound. AMR #413 transported Flores Azhocar to UCSD Medical Center for further medical treatment. Officer Kalankiewicz accompanied to the suspect to UCSD Medical Center.

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I did speak with Corporal Pierson who was visibly shaken, pale and had a distant gaze. I asked him if he was okay and he responded that he believed so. I obtained the following public safety statement from Corporal Pierson:

At the conclusion of the vehicle pursuit, Pierson and Engelke took up a tactical position by Officer Quiroga's vehicle to initiate a Pierson had his handgun out and he fired one round in a northern direction (in the 000 block of Gladiola Drive). Pierson's sole round struck the suspect (Flores-Azhocar) in his left arm. The expended shell casing ejected inside and was on the floorboard of Officer Quiroga's patrol vehicle.

Shortly afterwards, I arranged for Corporal Pierson to be transported away from the scene and to the police station by Sergeant D. Leach. Lieutenant G. Seward also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch commander (and also arrived on scene as the night watch are night watch as the night watch are night watch are night watch as the night watch are night watch as the night watch are n

Following the securing of the crime scene, Officer Engelke was assigned as the north end scribe and Officer G. Gonzalez was assigned to the south end. All other officers on scene conducted witness checks of the area. In addition to the aforementioned officers, we were further assisted by Officers McGough #448, Adams #437 and Sakamoto #439. Officer Engelke was eventually relieved as the crime scene scribe by Officer Sakamoto.

The scene was secured until the arrival of Investigations and Internal Affairs. I conducted a briefing in which all of the above information was told to investigators on scene.

From this point, the investigation was handled by Investigations personnel. Detective Zeferino was assigned as the case agent for this incident.

End of Report.

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		DETECTIV	<u>/E'S SUPPLEMENTAL REPO</u>	ORT					
•		-	ed a phone call from my super n Officer Involved Shooting tha	· 	=				
Then, we headed	l out to the sc	ene, located	at NCPD and met briefly with d at Division and Gladiola. Wo Zeferino was assigned as the	e met briefly with C	Corporal Wilkins,				

and t	tasked me with interviewing witnesses in this incident.
	is the home of Division Street and Gladiola Drive. The front door to this home faces toward sion Street. The Side of S
Dete	ective Depascale and I met with witness and the interviews on two different audio recording devices. I later saved ecording to a CD Rom and impounded it for evidence at NCPD with property tag# I0097942. STATEMENT OF (WITNESS):
	The following is a summary of the interview with Refer to the audio recording for the entire interview.
	On 3/10/15, at about 1535 hours, was at home in his room playing video games. He heard a commotion outside of his window. Opened his window and saw a police car stopped behind a black Honda. The police officer was doing a traffic stop on the black Honda. The police officer was at the driver's side door of the police car with his gun pointed at the suspect (herein referred to as Flores). The police officer was yelling out a series of commands to Flores such as "Hands up!", "Hands on your steering wheel!", "If you don't I will shoot you!"
	went about his business and moved away from the window. Moments later, heard a gunshot and ducked down. moved back to the window and began filming the incident on his cell phone. saw multiple police officers pointing their guns at Flores. Officers then took Flores out of the car and administered first aid to him.
	recognized the driver as an acquaintance known only as "Alert" and was initially upset about the shooting.

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END OF REPORT.

V.FERNANDO #414

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Supplemental Report

On March 10, 2015, at approximately 1800 hours, Sergeant Smith notified me via telephone to respond to NCPD to process a crime scene on an officer involved shooting that just occurred at 00 Gladiola in National City. Upon arrival to NCPD, I was assigned to process the crime scene and Detective Springer and Detective Gonzales, R would be assisting. I loaded my equipment in my vehicle and drove to the crime scene and met with all the Detectives. We were briefed by Corporal Wilkins on the incident.

I started documenting the crime scene by taking overall photographs, Detective Springer assisted me with the lighting while I was photographing certain areas that were very dark. Detective Springer and Detective Gonzales assisted in placing the evidence markers on the evidence that was being collected. After all the evidence numbers were in place I took additional overall and close-up photos of the crime scene and evidence. I then assisted Detective Springer and Detective Gonzales in obtaining the measurement of the crime scene and location of the evidence.

Detective Gonzales collected the evidence and I took custody of all evidence (see evidence list for details).

Detective Springer then advised me that per Detective Zeferino, he wanted me to processes the suspect's vehicle which was a black Honda Accord bearing CA plates located at 00 Gladiola Ave.

I took overall exterior and interior photos of the vehicle, the vehicle was searched by Detective Springer and Detective Ballardo. They handed me items of evidence that was located inside the vehicle to be impounded (see evidence list for details).

At approximately 2357 hours, I completed processing the crime scene. I transported all the evidence to the NCPD Property & Evidence Unit.

On 03/11/15, at approximately 0049 hours, I met with Detective Zeferino at NCPD and he wanted me to collect a mouth swab and photograph the suspect, Jesus Anthony Flores-Azhocar at UCSD, Hillcrest in San Diego. I arrived at UCSD at approximately 0107 hours and met with Detective Fernando and Detective Depascale they took me to the room were the suspect was in and I obtained two mouth swab and took photos of Flores-Azhocar.

On 03/11/15, Detective Fernando and Detective Zeferino came down to NCPD crime lab and brought down Corporal Pierson's duty weapon, a pistol with magazine and cartridges. Detective Fernando requested that I photograph the weapon and call. Cartridges.

At approximately 0126 hours, I completed my assignment and impound all the evidence into the Property & Evidence Unit (see evidence list for details).

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Evidence List

Property Tag	<u>Description</u>
10098148	Evidence Item #1 bullet fragment
10098149	Evidence Item #2 bullet fragment
10098150	Evidence Item #3 bullet fragment
10098151	Evidence Item #4 (2) swabs with red stains
10098152	Evidence Item #5 bottom housing of mirror driver door
10098153	Evidence Item #6 (2) swabs with red stains
10098154	Evidence Item #7 (1) swab with red stain
10098155	Evidence Item #8 (1) casing expended located drivers floor unit #487
10098156	(1) CD-R photos of crime scene
10098157	(1) CD-R photos of (S) Flores @ UCSD
10098158	(1) CD-R photos of evidence
10098159	(1) DVD-R with radio trans 03/10/15 17:35:14 - 00:16:47 hrs.
10098147	(2) Mouth swabs from (S) Flores
10098136	(1) White Samsung cell phone FCC#A3LSGHT599 (from driver's seat)
10098137	(2) Small vials with honey oil (located driver's front seat)
10098138	(1) Wallet with miscellaneous cards (located on driver's seat)
10098139	(1) Pipe (found in passenger door slot by Det. Springer)
10098140	(1) Pipe (found on passenger seat by Det. Ballardo)
I0098141	(1) Swab w/red stain from exterior driver's door
10098142	(1) Swab w/red stain from interior driver's door
10098143	(1) Swab w/red stain from driver's seat
10098144	(1) Swab w/red stain from steering wheel
I0098145	(1) Swab from hand break
10098146	(1) Swab from gear shifter

End of Report.

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REPORTING OFFICER	ID#	DIVISION	APPROVED BY	1D#	DATE AND TIME OF REPORT
Flores	4654		Smith	334	03/12/2015 08:00

INC	DENT NU	MBER		SAN DIEGO REGIONAL PAGE CASE NUMBER ADDITIONAL VICTIMS/WITNESSES/OTHERS 1 OF 3							501541			
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**********	REPORT	ING OF	FICER	ID#	DIVISION	APPROVED	ВУ	··········	1D#		DATE AND TI	ME OF REPO	DRT	
	Gonza	ales		473	PAT	Smith			334		03/10	/2015 1	9:55	

INCIDENT NUMBER		SAI	PAGE	CASE NUMBER (* .	
CONTINUED FROM	BEAT	OFFICER	2 OF 3 DAY OF WEEK	1501541	
OFFICER'S REPORT	20	DISTRICT	03/10/2015	Tue	17:35
PRIMARY CODE SECTION			ora Åren er ser er er er er er er er er er er er er e		
ADDITIONAL CODE SECTION(S)	**************************************	· · /· · · · · · · · · · · · · · · · ·			
LOCATION OF INCIDENT, CITY 000 GLADIOLA DR. NA		, CA 91950			
		OFFI	CER'S SUPPLEMENTAL		
Dispatch. The pursui Upon arrival, I notic	it ended in the ed a crime so block of Gi- provided me	e 000 block of ene at the nort adiola Drive w	urs, I heard Officer Quiroga in Gladiola Drive in National Ci h end of the 000 block of Gladith police tape. A witness who tement.	ty. I responded to the liola Drive. I immed	e scene to assist. iately secured the
STATEMEN	NT OF		(WITNESS):		
During the investigated documented any permanders, Commutime I began scribing on 1820 hours	other.  tion, I was as son who ente nity Services	ered of exited to Officer Corad		ig at approximately	adiola Drive. I 1753 hours. At
<ul><li>Out-</li><li>1825 hours</li></ul>		Services Offic	er Corado		
o 1850 hours  ➤ In-	OTHOU OISI	(DOB (	resident at	arrived b	
<ul><li>1905 hours</li><li>▶ In-</li></ul>	(	DOB	resident at	arrived home.	
o 1915 hours ➤ In-		(DOB	resident at	arrived ho	me.
o 2006 hours ➤ Out-	eve water.	(DOB	resident at	and three ch	ildren left to
<ul><li>2033 hours</li><li>➤ Out-</li></ul>		(DOB	resident at	arrived h	ome.
	Officer Qui	oga			
o 2200 hours					

REPORTING OFFICER	ID#	DIVISION	APPROVED BY	ID#	DATE AND TIME OF REPORT
Gonzales	473	PAT	Smith	334	03/10/2015 19:55

and three children arrived back home.

> In-

o 2234 hours

INCIDENT NUMBER			SAN DIEGO REGIONAL ER'S REPORT NARRATIVE	PAGE 3 OF 3	CASE NUMBER 1501541				
CONTINUED FROM OFFICER'S REPORT ONLY PRIMARY CODE SECTION	DEA: 20	DISTRICT	03/10/2015	DAY OF WEEK Tue	17:35				
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LOCATION OF INCIDENT. CITY STATE ZIP 000 GLADIOLA DR. NATIONAL CITY, CA 91950									

> In- (DOB (DOB resident at a series) arrived home.

The scene was opened and all units clear at 0017 hours.

END OF REPORT

INCIDENT NUMBER				SAN DIEGO REGIONAL							CASE NUMBER 1 0F 2 1501541				
		······································		ADDITIONAL VICTIMS/WITNESSES/OTHERS							<u>,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,</u>	150154			
			DENT, CITY STATE Z		V CA 01050			BEAT	DISTRICT	DATE	9/1/	9/2015			
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	W	W-TYPE VICTIM'S NAME (LAST, FIRST MIDDLE / OR ORGANIZATION)  16 Sakamoto C													
		W 16 Sakamoto, C  RESIDENCE ADDRESS, CITY STATE 2IP PHONE (Work)													
VICTIM / WITNESS	7 7 ta tại 10 ta 1				(61	9) 336-	4411								
Z	RACE	SEX	DATE OF BIRTH	ID TYPE	ID NUMBER	ID TYPE	ID NUMBER		li				LATION TO: IM SUSPECT		
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	STATUS EMPLOYER / SCHOOL OCCUPATION / RANK / GRADE									DAYS OFF	;	WORK HO	URS		
MI	E		y of National	***************************************		Polic	e Officer			Vary		Vary	<u>, , , , , , , , , , , , , , , , , , , </u>		
2			RESS, CITY STATE							PHONE			V/W ASSIST		
_		200 NATIONAL CITY BL, NATIONAL CITY, CA 91950 N													
ADDITIONAL INFORMATION VICTIM VEHICLE INFO. IF APPLICABLE)															
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	Sakan			439		Smith	•		334			/2015			

INCIDENT NUMBER	***************************************	Covered trans.	SAN DIEGO REGIONAL	PAGE	CASE NUMBER				
			ER'S REPORT NARRATIVE	2 OF 2	1501541				
CONTINUED FROM	BEAT				TIME				
CRIME	20	20 03/10/2015			17:35				
PRIMARY CODE SECTION									
VC 2800.1(A) - E		OFFICER							
ADDITIONAL CODE SECTION	(S) _.								
LOCATION OF INCIDENT. CITY STATE ZIP									
1-99 GLADIOLA DR	1-99 GLADIOLA DR, NATIONAL CITY, CA 91950								

#### OFFICER'S SUPPLEMENTAL

On 03/10/15, at about 1735 hours, an officer involved shooting occurred in the 000 block of Gladiola Drive in National City. See Detective Zeferino's report for further details. Upon arrival, I assisted with scene security. At about 1938 hours, I relieved Officer Engelke at his post at Division Street and Gladiola Drive. Officer Engelke exited the scene. I took over scribe duties as follows:

- Officer G. Gonzales was in the scene as scribe on the south perimeter at E. 1st Street and Gladiola Drive.
- At 1938 hours, Corporal Wilkins exited the scene.
- At 1952 hours, Det. Springer, Det. R. Gonzales, and CSS Flores entered the scene.
- At 1955 hours, I escorted
- At 1959 hours, Det. Springer, Det. R. Gonzales, and CSS Flores exited the scene.
- At 2000 hours, Det. Springer, Det. R. Gonzales, and CSS Flores entered the scene.
- At 2006 hours, Corporal Wilkins entered the scene.
- At 2010 hours, Corporal Wilkins exited the scene.
- At 2012 hours, Det. Depascale and Det. Fernando entered the scene.
- At 2013 hours, Det. Depascale and Det. Fernando exited the scene.
- At 2017 hours, Det. Depascale and Det. Fernando entered the scene.
- At 2018 hours, Det. Zeferino entered the scene.
- At 2021 hours, Det. Zeferino exited the scene.
- At 2025 hours, CSS Flores exited the scene.
- At 2029 hours, CSS Flores entered the scene.
- At 2030 hours, Det. Depascale and Det. Fernando exited the scene.
- At 2031 hours, Officer Quiroga entered the scene.
- At 2032 hours, Det. Zeferino entered the scene.
- At 2033 hours, Det. Zeferino exited the scene.
- At 2033 hours, Officer Quiroga exited the scene.
- At 2036 hours, Officer Gisi entered the scene.

At 2036 hours, Officer Gisi took over as scribe at the northern perimeter at Division Street and Gladiola Drive.

END OF REPORT







# NATIONAL CITY POLICE DEPARTMENT OFFICE OF THE CHIEF OF POLICE

January 22, 2018

Darren Pierson, Corporal

Ref: Skelly v. State Personnel Board

Dear Corporal Pierson,

In accordance to Skelly v. State Personnel Board (1975) 15 Cal.3d 194 and the City of National City Civil Service Rule VIII Section 801 through 810, I hereby advise you that I have made the decision to Affirm your twenty (40) hour suspension from your position as a Police Corporal with the City of National City.

A pre-disciplinary appeal was held before me on January 16, 2018. You were present and were represented by Attorney Rick Pinckard. You and your representative made oral statements and in general there was no denial regarding the factual actions in this case.

Attorney Pinckard stated the discharge of the weapon was unintentional and not negligent and made on a bona fide felony hot stop after a pursuit. While there is a significant amount of stress and pressure in a felony hot stop, it important that police officers exercise both officer and community safety simultaneously.

As a result of your actions you violated the below mentioned policies which are listed for your convenience:

#### **VIOLATION(S):**

1. Rules and Regulations 5.0 - Performance of Duty:

"Employees shall maintain sufficient competency to enable them to properly perform the duties and to assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain acceptable standards of efficiency in carrying out the functions and objectives of the department."

1200 National City Boulevard National City, CA 91950 (619) 336-4511/Fax (619) 336-4525 www.nationalcitypd.com







### NATIONAL CITY POLICE DEPARTMENT OFFICE OF THE CHIEF OF POLICE

2. Operating Procedure 051-Firearms: Employees, "Officers shall not unnecessarily display any firearm in a public place, or carelessly handle a firearm at any time."

This letter serves as notice that the National City Police Department will move forward with a forty (40) hour suspension from your position as a Police Corporal with the City of National City. Note that this a 40 hours suspension is based upon any one of the above violations and need not be based upon your commission of more than one violation.

#### RIGHT TO RESPOND

In accordance with Civil Service Rule VIII, Sections 806 and 807, you have the right to appeal your Suspension to the Civil Service Commission. If you wish to appeal, your written request for appeal must be delivered within 15 calendar days of the date of this communication (January 22, 2018) to the Human Resources Department located at 140 E. 12th Street, Suite A, National City, CA 91950. Failure to submit a written appeal to the Civil Service Commission within 15 calendar days shall be deemed a waiver of your right to appeal and forfeiture of your right to a hearing before the Civil Service Commission.

Sincerely,

Manuel Rodriguez Chief of Police

CC: Angil Morris-Jones

Stacey Stevenson

Tracking # 15-2-D

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Date of Incident:

Time of Incident:

Location of Incident:

Subject:

Tuesday, March 10, 2015

1915 hours

000 Gladiola Drive, National City

Shooting of Jesus Anthony Flores-Azhocar

CONFIDENTIAL:

THIS REPORT IS FOR THE EXCLUSIVE USE OF THE CHIEF OF POLICE AND/OR CITY ATTORNEY

SUBJECT OFFICER:

Name:

Rank: NCPD ID#

Date of Hire:

Assignment at time of incident:

WITNESS OFFICER(S):

Name:

Rank: NCPD ID#

Date of Hire:

Assignment at time of incident:

Name:

Rank: NCPD ID#

Date of Hire:

Assignment at time of incident:

Darren Pierson

Corporal

440

01/30/2007 Patrol-FTO

Kevin Engelke

Officer

485 12/10/2014

Patrol-Training

Raziel Quiroga

Officer

457

09/25/2007 Patrol-K9

CIVILIAN WITNESSES: A number of witnesses were identified in the attached

written reports. Many of them simply because they were contacted. The majority of them had nothing to contribute to this investigation. In the witness statement portion of this

report I will identify any witnesses who provided

statements valuable to this investigation and synopsize their statements. Their contact information can be found in the

criminal reports.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017

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^{**} Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety, **

Tracking # 15-2-D

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

#### **SUMMARY:**

On Tuesday, March 10, 2015 at about 1735 hours, Canine Officer Quiroga initiated a traffic stop on a black Honda Accord bearing California license plate for not having a front license plate; a violation of Vehicle Code 5200. The vehicle failed to yield and led Officer Quiroga on a short pursuit through a residential neighborhood. The vehicle eventually yielded in the 000 block of Gladiola Drive in National City where this incident occurred.

Officer Quiroga initiated a high risk vehicle stop on the Honda and ordered the driver, Jesus Anthony Flores-Azhocar, to show him his hands. Flores complied with Officer Quiroga's orders and stuck his hands and arms out the open driver's door window. Corporal Pierson and Officer Engelke arrived on scene and assisted with the

Corporal Pierson moved to Officer Quiroga's position on the officer Quiroga of his vehicle so Officer Quiroga could get his Police Service Dog from the rear kennel area of the car. Corporal Pierson positioned himself at the officer Quiroga As Corporal Pierson raised his handgun to point it at Flores, he accidently discharged his firearm. The bullet struck Flores on his left arm.

At the time of this incident, Flores was an unlicensed driver and was wanted for a misdemeanor \$5000 warrant for 647(b) PC-Disorderly Conduct: Prostitution.

I became involved in this investigation as the Internal Affairs Investigator when I received a phone call from my supervisor, Lt. Keith Fifield.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017

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Date of Incident:

Time of Incident:

Location of Incident:

Subject:

Tuesday, March 10, 2015

1915 hours

000 Gladiola Drive, National City

Shooting of Jesus Anthony Flores-Azhocar

#### **ALLEGATIONS:**

Corporal Pierson accidentally shot Jesus Anthony Flores-Azhocar during a The related Operating Procedures and/or Rules and Regulations that are possibly alleged are:

### Rules and Regulations 5.0- Performance of Duty

"Employees shall maintain sufficient competency to enable them to properly perform the duties and to assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain acceptable standards of efficiency in carrying out the functions and objectives of the department."

The previous paragraph does not include the entire rule and regulation. It includes the pertinent information that applies to this investigation.

### • Operating Procedure 051-Firearms

"Officers shall not unnecessarily display any firearm in a public place, or carelessly handle a firearm at any time."

The previous sentence does not include the entire operating procedure. It includes the pertinent information that applies to this investigation.

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Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017

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Date of Incident:

Time of Incident:

Location of Incident:

Subject:

Tuesday, March 10, 2015

1915 hours

000 Gladiola Drive, National City

Shooting of Jesus Anthony Flores-Azhocar

#### INVESTIGATION:

On Tuesday, March 10, 2015, at about 2000 hours, I received a telephone call from Lt. Keith Fifield regarding an officer involved shooting.

At the time of this incident the assigned Internal Affairs Investigator, Sergeant David Bavencoff was not available. I responded to the area of Gladiola Drive and E. Division Street and met with several NCPD investigators and staff. Criminal Investigator J.C. Smith from the San Diego County District Attorney's Office was also present. I was assigned the role of Internal Affairs Investigator. Detective Corporal Leiderson Zeferino is assigned lead detective.

I attended a briefing regarding the incident led by NCPD Detective Zeferino. During the briefing Detective Zeferino relayed the facts of the case he and the other investigators had obtained to that point. I learned Corporal Darren Pierson shot suspect Jesus Anthony Flores-Azhocar one time in the left arm during a Canine Officer Raziel Quiroga initiated a traffic stop on the Honda Flores was driving. Flores failed to yield and led Officer Quiroga on a short pursuit through the residential area. Officer Kevin Engelke was riding with Corporal Pierson in a training car as a probationary officer in training.

Corporal Pierson and Officer Engelke were transported to NCPD. Officer Quiroga remained at the scene with investigators to care for his canine partner who was kenneled inside his patrol car in the secure crime scene.

Following the briefing, detectives conducted a video recorded walk through of the shooting scene where Officer Quiroga recreated the incident for investigators. I participated in the walk through.

Following the walk through, I responded to NCPD to sit in on the interview of Corporal Pierson. He was represented by LDF Attorney Rick Pinckard.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017

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Date of Incident:

Tuesday, March 10, 2015

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**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

The lab report is attached to this report for review.

During a further review of the criminal investigation, I read a report written by Detective A. Depascale in which he interviews witness

provided a statement and also admitted he videotaped a portion of this incident using his cellular phone. The following is a synopsis of the contents of the video obtained from written by Corporal Depascale:

The video essentially depicts NCPD officers, including Officer Pierson, walking about the area of the traffic stop and tending to someone seated on the ground. can be heard on the video yelling that the officers shot a stoner and asking, Are you happy? said he made these statements because he was initially upset. said he knows the person who got shot and has seen him around the neighborhood.

According to Detective Zeferino's report, Flores sustained a single gunshot wound resulting in comminution (splintering) of the bones within the region of the left elbow (proximal ulna, distal ulna, and olecranon).

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Date of Incident:

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Shooting of Jesus Anthony Flores-Azhocar

Prior to the interview, Corporal Pierson and Attorney Pinckard expressed their interest in allowing Investigator J.C. Smith, Lt. Keith Fifield and I to sit in and/or participate in the interview. I discussed the issue with Detective Zeferino. He didn't have any opposition to this idea.

In the weeks that followed this incident, I gathered all the written reports prepared by NCPD investigators and copies of all impounded video and audio evidence. Copies of all reports and video and audio evidence are included in this file.

Interviews conducted with the suspect, civilian witnesses, and involved officers are synopsized later in this report. The statements were taken from the reports written by officers conducting the criminal investigation.

In addition to reviewing the related reports, I reviewed Corporal Pierson's training file and department qualification shoot records. I was able to locate records related to department training shoots in which Corporal Pierson participated in dated March 8, 2013, March 11, 2014, and a certificate from the Riverside County Sheriff's Office where Corporal Pierson completed 8 hours of "Firearms/Tactical Handgun, ADV.-PSP" dated May 14, 2014. Department records pertaining to qualification shoots appear to be incomplete, however, Corporal Pierson's handgun qualifications appear to be current based on Department Operating Procedure 51.1 which requires officers to complete two department approved firearms shoots annually.

As part of the criminal investigation, Detective Zeferino submitted Corporal Pierson's service weapon, a caliber pistol (S/N to the San Diego County Sheriff's Department Regional Crime Laboratory for examination. The gun was tested by the lab. Under the "Conclusions" heading of that report the examiner wrote the following: pistol (Item 3) is operable and the magazine (Item 4) is correct for the pistol. The unexpended cartridges (Item 4) are correct for the pistol and are consistent with ammunition." Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 5

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Date of Incident:

Time of Incident:

Location of Incident:

Subject:

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000 Gladiola Drive, National City

Shooting of Jesus Anthony Flores-Azhocar

#### COMPLAINANT INTERVIEW:

Detective Depascale contacted suspect Flores at UCSD Medical Center the night of this incident and documented the following statement:

### Statement of Jesus Anthony Flores-Azhocar:

On 03-10-15, Flores was in his vehicle driving home. Flores had been smoking marijuana a little bit before the incident. Flores said, I always smoke weed. I'm not going to lie.

He was traveling northbound on E Avenue in National City and was headed toward Shelltown. Flores passed a police officer who was traveling in the opposite direction. Flores initially said he was on E Avenue but later said he was on D Avenue when he first saw the officer. Flores became nervous because the police officer was looking at him and because he had misdemeanor warrants.

Flores noticed the police officer make a U turn. Flores believed the officer was trying to catch up to him so he tried to drive away and ditch the officer. Flores increased his speed to about 50 miles per hour and then made an eastbound turn on 3rd Street. Flores initially said he did not run any stop signs.

Later, when asked again if there was a good chance he failed to stop at any stop signs Flores said, I don't remember I just think I took off. I don't know. Flores made another northbound turn on an unknown Street. Flores heard the officer's sirens. The officer's sirens were on because Flores went fast. There was traffic ahead of Flores so he was forced to stop his vehicle.

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Date of Incident:

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Subject:

Shooting of Jesus Anthony Flores-Azhocar

The police officer turned on his lights, stopped behind Flores, and began giving commands. Flores complied with the commands and held his hands out the window. Flores described his body position as hands out in the air extended toward the officer giving the commands while seated in the driver's seat of his vehicle. Flores was slightly turned at his hips so that he was nearly facing the officer behind him. Flores stayed in this position for a good minute or approximately one minute. A second officer with lighter skin arrived and stood near the driver's side door of the darker skinned officer's vehicle.

Approximately twenty seconds later, Flores heard a gunshot and felt pain to his arm. Initially, Flores didn't think he got shot with a firearm, he believed he was shot with a . Flores got out of the vehicle and was given first aid by the officers.

Flores said he complied with the officers commands and he didn't do anything wrong. Flores claimed he was shot for no reason. Flores said, I'm going to sue his ass. You guys shot me for no reason. My brother has a good ass lawyer too."

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Date of Incident:

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Time of Incident:

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Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

### **CIVILIAN WITNESS INTERVIEWS:**

STATEMENT OF	(WITNESS):
On 03-10-15 at about 1730 hours, which is just behind the house at	was inside his studio apartment
heard the Police say "Show me your hands"	•
gunshot. came out of his apartmen	
Gladiola Drive and saw Police standing in the alley. anything after the gunshot.	didn't hear

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

STATEMENT OF

(WITNESS):

On 03-10-15 at about 1730 hours, was outside his house at when he heard sirens. After he heard the sirens he saw everyone coming out onto the street.

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

# On 03-10-15 at about 1730 hours, was outside his house at on the east side of the house. The heard a vehicle drive by fast because he heard the noise from the motor. The also heard several Police vehicles sirens go by the front of the house fast then down Gladiola Drive just west of the house. Then heard one gunshot. Came out onto the street and went to Gladiola Drive and could smell the gunshot and saw Police pulling a subject out of a vehicle and put him on the ground. Several other Police arrived and told to stay out of Gladiola Drive.

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

# STATEMENT OF (WITNESS):

On 03-10-15 at about 1730 hours, was in his driveway at when saw and heard a police car go by with the lights and sirens on.

saw a second police vehicle come from F Avenue and turn eastbound on East first then turn around and go westbound on East First. Then heard what he thought were two gunshots west of his house.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 [2]

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Date of Incident:

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Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

STATEMENT OF	(WITNESS): Officer Gisi
On 03-10-15 at about 1730 hours, apartment woke up at about 18 street in front of her apartment which faces of anything involving the Police on Gladiola D	15 hours, and saw there were Police in the Gladiola Drive. did not hear or see

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

STATEMENT OF	(WITNESS):
to see what was going on. saw his hand up and hanging outside the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the control of the	was at home located at home. looked outside his living room window police officers stop a vehicle with a male driver with lriver side window, stated he heard a loud popor back fire from a car muffler. stated he did

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

STATEMENT OF	(WITNESS):
	ng the south side of 500 block of E. 01st Street, l on E. 01st Street. The vehicle then made a right ladiola Drive.
The patrol vehicle had its lights and siren	left turn from 'F' Avenue onto E. 01s Street. activated and made a right turn onto Gladiola did not see the shooting, but ran towards is arm.
	arting to yell that the "police didn't need to shoot then walked away and refused to provide

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

# STATEMENT OF (WITNESS):

stated that he was helping remodel his sister's house and was in the kitchen when he saw a Honda drive past the house. The Honda turned right and began to drive northbound on Gladiola Drive. The Honda turned right and began to drive activated chasing after the Honda. The police vehicle drove northbound on Gladiola and disappeared from view.

stated he thought he heard one gunshot, but was not sure due to all the construction noise from the house.

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

STATEMENT OF	(WITNESS):
On 03-10-15 at about 1730 hours, apartment which faces Gladiola Drive.	
his apartment. did not look out or his apartment on Gladiola Drive hear anything after the sirens.	near anything else. always hears

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Date of Incident:

Tuesday, March 10, 2015

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1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

**Shooting of Jesus Anthony Flores-Azhocar** 

STATEMENT OF (WITNESS): Detective Fernando
On 3/10/15, at about 1535 hours, was at home in his room playing video games. He heard a commotion outside of his window. opened his window and saw a police car stopped behind a black Honda. The police officer was doing a traffic stop on the black Honda. The police officer was at the driver's side door of the police car with his gun pointed at the suspect (herein referred to as Flores).
The police officer was yelling out a series of commands to Flores such as "Hands up!", "Hands on your steering wheel!", "If you don't I will shoot you!"
went about his business and moved away from the window. Moments later, heard a gunshot and ducked down. moved back to the window and began filming the incident on his cell phone. saw multiple police officers pointing their guns at Flores. Officers then took Flores out of the car and administered first aid to him.
recognized the driver as an acquaintance known only as "Alert" and was initially upset about the shooting.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 18

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

**Location of Incident:** 

000 Gladiola Drive, National City

Subject:

STATEMENT OF	(WITNESS): Detective Fernando
	was asleep in her room when she couldn't see out of her bedroom window
went outside a few minutes later to police cars in the alley. The only other pe husband was away at work at the time of	

Tracking # 15-2-D

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

STATEMENT OF	(WITNESS); Officer Duran
which faced the 000 block of Gladiola D standing by his patrol vehicle and pointing	
went back to the same window and saw	ndow, and then suddenly heard "a gunshot." hat the Hispanic NCPD officer was hovering lid not see the Hispanic NCPD officer fire his e suspect is a friend of his

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

STATEMENT OF	(WITNESS): Officer Duran
window which faced the 500 block	of E Division St. saw the suspect's hands indow, an NCPD patrol vehicle, but no NCPD hing.
window!" stated she walk "pop" and someone saying "put you	g something to the effect of "put your hands out the ed away from the window, and then suddenly heard a air hands out the window!" walked to an early of Gladiola Drive, and saw that more NCPD patrol PD officers.
According to she did not	see any NCPD officer fire their firearm at the suspect.

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

(WITNESS): Detective A. Garcia
stated she was inside her residence when she heard sirens outside and noticed her husband, looking out their living room window. followed her husband and looked out the window. saw a black color vehicle stopped "in the alley" (Gladiola Drive) and a police car behind it with its lights on. heard a police officer yell "put your hands out the window".
on the driver side. Stated she did not believe anything else was going to happen so she stopped looking out the window and went to check on her son.
Approximately two minutes later, the heard what appeared to be one gunshot immediately followed by someone saying, "Keep your hands out the window." first made sure her son was safe and returned to the window to see outside.
looked out the window a second time and noticed someone sitting on the ground and laying against the west wall of property located in the 000 block of Gladiola Drive. NCPD Officers were wrapping what appeared to be the individuals left arm while the individual was saying something like, "I don't want to die." stopped looking out the window again for several minutes and later returned only to see the individual being taken away by an ambulance.

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

(WITNESS):	
stated he arrived home at approximately 1730 hours and residence when he heard what appeared to be a gun shot. approximately three other shots shortly after the first one.	
went outside to see what was happening; however, NCF go back inside the residence for his safety. Stated he not walking towards the scene who appeared to live west of his hous not see or hear anything else.	iced several people

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

(WITNESS):
that he had been in his home for most of the day. At approximately 5pm was in the kitchen and heard a, "Pop" sound coming from the east. Told me he thought it was a firecracker or a balloon popping. Said that prior to the, "Pop" sound he did not hear any sirens or hear anyone yelling. After hearing the, "Pop" sat down and ate.
Approximately three minutes later he looked out the kitchen window and saw three police cars pull up in front of his house. After seeing the police cars began to think that the, "Pop" sound may have been a gunshot. Stepped outside on to his porch and attempted to see what was going on but couldn't see anything. Then went back inside his apartment and watched T.V.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 24

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

(WITNESS):	
told me he was in his room watching T.V. at approximately 1700 hours. As he watched T.V he heard sirens approaching his residence. Told me it sounded like the sirens were coming from the west.	
said he believes the sirens either passed in front or behind his building. As soon at the sirens passed his building heard one, "Pop" sound. Said he thought it was a tire popping. Within minutes saw police vehicles in front of his apartment building and decided to go outside and see what was going on. We went outside and attempted to approach the scene but was told by officers to leave the area. In over heard any yelling or screaming prior to the, "Pop" sound. We did not see the incident.	

Tracking # 15-2-D Page 26 of 39

Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

(WITNESS):
balcony toward the area where the incident occurred. After sitting on the patio for a while, stood up and was about to walk back inside her apartment. As she stood up she heard sirens. Said the sirens sounded like they were approaching her building from the south. As the sound of the sirens got closer to her building they suddenly stopped. Said that within three minutes of the sirens stopping she heard one, "Pop." Thought this sound was a car backfiring. Said the dogs in the alley just east of her were barking like crazy. Within one minute of hearing the, "Pop" sound more sirens arrived and they parked in front of her apartment building. And her husband, decided to walk over and see what was going on. Said the form and her husband approached the intersection of E. Division and Gladiola Dr. and saw a man sitting on the ground leaning up against a wall and an officer standing over him.
Just then another officer approached them and ordered them to get out of the scene.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 2

^{**} Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

Tracking # 15-2-D

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

# (WITNESS):

told me that at the time of this incident he was inside his apartment watching T.V. While watching T.V he faintly heard one, "Pop" sound from east of his location. Told me he thought this sound was a vehicle backfire.

Shortly after hearing the, "Pop" wife told him that something was going on and they decided to walk over and see what it was.

said when they reached the intersection of E. Division and Gladiola Drive, he saw a guy sitting on the ground and one or two officers standing over him. said they were not close to the scene for long because other officers told them to get back. said he never heard any sirens, yelling or screaming prior to the, "Pop" sound.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017 27

^{**} Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

Tracking # 15-2-D Page 28 of 39

Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

**1915** hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

(WITNESS): Detective Ballardo
told me at approximately 1700 hours he was in the kitchen of his home preparing bod. The window in the kitchen of presidence faces Gladiola Dr. and is approximately feet from where this incident occurred.
said that as he was in the kitchen he heard sirens coming down Gladiola Dr. The rens were coming from the south. Then the sirens stopped directly in front of his sidence on Gladiola Dr. said he could not look out of his kitchen window because is too high up to afford a good view. Realizing that something was going on in front f his residence, walked in to his living room and looked out the window. The ving room window in residence faces and affords a relatively clear view of the intersection of Gladiola Dr. and E. Division St.
Then looked out his living room window, he saw a black car that was stopped using north and a police vehicle stopped behind it.
saw that the driver of the black vehicle had both of his arms sticking out of the river's side window. also saw two police officers standing by the driver's door of the police car. said that both officers had their guns out and were pointing their gind tward the suspect/vehicle.
believed that the officers were yelling something to the subject in the black vehicle at he could not hear exactly what they were saying. Then decided to open the window so he could hear what was going on.
s momentarily looked down to unlock the window and pull it open he heard one, op." did not initially believe that this sound was a gun shot because he had neverand a gunshot like that before.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017

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^{**} Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety, **

Tracking # 15-2-D

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**Date of Incident:** 

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

When looked back out the window he saw the driver of the black vehicle had his arms pulled in the vehicle and his hands were still visible and sticking out of the window area of the vehicle.

then heard one of the officers yelling commands to the driver of the vehicle, did not see the gunshot and cannot identify the officer who fired the shot. After commands were given to the driver of the vehicle, saw officers remove the driver from the black vehicle and sat him down on the ground.

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Date of Incident:

Time of Incident:

**Location of Incident:** 

Subject:

Tuesday, March 10, 2015

**1915** hours

000 Gladiola Drive, National City

Shooting of Jesus Anthony Flores-Azhocar

# WITNESS OFFICER INTERVIEW(S):

### STATEMENT OF OFFICER KEVIN ENGELKE:

On Tuesday, March 10, 2015 at about 1735 hours, Officer Engelke was partnered with Field Training Officer Darren Pierson. Officer Engelke was driving a marked patrol vehicle in the area of E. 64 Street and D Avenue. Officer Engelke heard a radio call that Officer Quiroga was following a vehicle and it was not pulling over. Officer Engelke believed the suspect was possibly wanted and that was the reason he did not pull over.

Officer Engelke responded with his emergency lights and siren activated to the area of E. 1st Street and F Avenue. Officer Quiroga then broadcasted that the vehicle had stopped in area of E. Division Street and Gladiola Drive.

Officer Engelke subsequently responded to the area and pulled in behind Officer Quiroga's patrol vehicle. Officer Engelke saw Officer Quiroga outside his vehicle, pointing his gun at the vehicle.

Officer Engelke and Corporal Pierson exited their patrol vehicle.

Officer Engelke saw the suspect's hands extended out the driver's window. The suspect's hands then started to go limp and it appeared to go back inside the vehicle. Officer Engelke said his view was partially obstructed so he wasn't sure where the suspect placed his hands. Officer Engelke then heard a gunshot. Officer Engelke looked over at Corporal Pierson. Corporal Pierson appeared to be looking at his gun and said, "Oh shit." The suspect then said, "I'm hit, I got shot."

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** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

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Date of Incident:

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Time of Incident:

1915 hours

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000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

Officer Quiroga then ordered the suspect to put his hands out the driver's window. Corporal Pierson ran up to the suspect vehicle and opened the door. At that point Officer Engelke saw that the suspect had been shot in the left arm, Officer Engelke and Officer Kalankiewics (who arrived on scene after the shooting) sat the suspect on the ground, patted him down and searched his pockets.

Officer Engelke and Kalankiewics then bandaged the suspect's wound and applied pressure to it until paramedics arrived on scene.

Officer Engelke said the suspect did not have any weapons in his possession. The suspect had a cellphone and a long skinny tool in his pocket. The suspect said he used the tool to pick doors

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Date of Incident:

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Tuesday, March 10, 2015

1915 hours

000 Gladiola Drive, National City

Shooting of Jesus Anthony Flores-Azhocar

# STATEMENT OF OFFICER RAZIEL QUIROGA:

On Tuesday, March 10, 2014 at about 1735 hours, Officer Quiroga was conducting extra patrol in the area of E. 3rd Street and B Avenue.

Officer Quiroga was turning northbound from E. 3rd Street onto B Avenue when he observed a black Honda Accord traveling northbound in the 300 block of B Avenue. The vehicle did not have a front license plate in violation of 5200(a) Vehicle Code.

The vehicle then turned eastbound onto E. 3rd Street, Officer Quiroga made a U-turn to get back onto E. 3rd Street to pursue the vehicle. When Officer Quiroga got onto E. 3rd Street he noticed the vehicle had picked up speed and failed to stop at the stop sign in the intersection of E. 3rd Street and D Avenue.

Officer Quiroga activated his emergency lights and attempted to conduct a traffic stop on the vehicle. The suspect vehicle failed to stop and continued traveling eastbound on E. 3rd Street. The vehicle then turned northbound onto F Avenue failing to stop at the stop sign and almost colliding with a vehicle traveling southbound on F Avenue. Officer Quiroga then activated his sirens and continued to pursue the vehicle.

The vehicle then turned westbound onto E. Is Street traveling on the eastbound lane before turning northbound onto Gladiola Drive (alley). The vehicle sped through the alley and skidded to a stop at the intersection with E. Division Street.

Officer Quiroga caught up to the vehicle and initiated a Quiroga drew his handgun and pointed it at the suspect. The suspect immediately put his hands up. Officer Quiroga ordered the suspect to stick his hands outside the driver window and he complied. The suspect then placed his right hand back inside the vehicle out of Officer Quiroga's view. Officer Quiroga again ordered the suspect to stick his hands out the window. The suspect complied with Officer Quiroga's orders.

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

About that time, Corporal Pierson and Officer Engelke arrived on scene. Officer Quiroga asked someone to come to his side and take over his position at the

As Officer Quiroga turned towards Corporal Pierson, he saw the suspect's hands come back down and then Corporal Pierson fired one shot.

Corporal Pierson then said, "Oh shit." Officer Quiroga focused his attention back on the suspect and saw a piece of the driver side mirror fall to the ground. The suspect had both his hands back inside the vehicle. Officer Quiroga ordered the suspect to stick his hands out the window. The suspect complied and Officer Quiroga saw that the suspect sustained a gunshot wound to his left arm.

Officer Quiroga then changed his mindset from doing a to rendering first aid to the suspect. Officers moved up to the vehicle and open the door. The suspect stepped out and Officer Quiroga escorted him off to the side where he took a seat on the ground. Officer Quiroga retrieved a gauze bandage and an ace wrap from his patrol vehicle. Officer Quiroga gave the gauze and the ace wrap to Officer Kalankiewicz to apply on the suspect's wound.

Tracking # 15-2-D

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Date of Incident:

cident: Tuesday, March 10, 2015 cident: 1915 hours

Time of Incident:
Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

### SUBJECT OFFICER INTERVIEW:

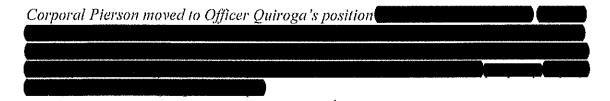
### STATEMENT OF CORPORAL DARREN PIERSON:

<u>Pierson was working patrol with trainee, Officer Engelke, when he heard Officer</u> Quiroga broadcast over the police radio that he was in a vehicle pursuit with a Honda Accord. Officer Quiroga put out that he was at Gladiola Drive. Corporal Pierson directed Officer Engelke to drive to the area.

Corporal Pierson is familiar with this particular area because it is on the border of the Old Town National City street gang and the Shelltown street gang from San Diego. Corporal Pierson has seen gang graffiti from Shelltown and their subset Gamma Street. Corporal Pierson has also made several arrests in the area.

When Corporal Pierson and Officer Engelke arrived on Gladiola Drive, he saw the suspect vehicle stopped right in the mouth of Gladiola Drive with E. Division Street, Officer Quiroga was behind the suspect vehicle and was conducting a Officer Quiroga was outside his driver's door pointing his gun at the suspect/driver.

Based on the fact the suspect failed to yield to Officer Quiroga, Corporal Pierson believed he was possibly driving a stolen vehicle, in possession of a firearm or contraband, or had just committed a felony crime. Corporal Pierson started to move to the front passenger side of Officer Quiroga's patrol vehicle when Officer Quiroga directed him to come to the driver's side.



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Date of Incident:

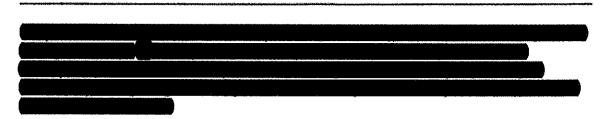
Tuesday, March 10, 2015 Time of Incident: 1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar



Once Corporal Pierson was in position, Officer Quiroga holstered his handgun while Corporal Pierson removed his handgun from the holster. Corporal Pierson raised his handgun to point it at the suspect for the . As Corporal Pierson raised his handgun, he re-adjusted his grip and unintentionally hit his right arm on the . As a result of hitting his arm, Corporal Pierson accidently pulled the trigger discharging one bullet in a northerly direction, towards the suspect.

When Corporal Pierson heard the round go off it took him a "minute" to realize his handgun had moved and he discharged the round, Corporal Pierson and Officer Quiroga quickly changed their mindset from being concerned about what the suspect was doing and the threat he posed to now being worried about what condition he was in. The suspect leaned out the driver's window and said, "Hey, you shot me," Corporal Pierson and Officer Quiroga advanced on the vehicle and realized the suspect sustained a gunshot wound to his left arm. Corporal Pierson immediately requested paramedics and a supervisor respond to the scene.

Corporal Pierson and Officer Quiroga told the suspect they were going to pull him out of the vehicle and administer first aid to his injury. The suspect was subsequently taken out of the vehicle and sat down off to the side. Officers immediately applied bandages and pressure to the suspect's injury until paramedics arrived on scene.

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

### CONCLUSIONS/FINDINGS:

Corporal Pierson and his trainee, Officer Engelke properly responded to assist Officer Quiroga after monitoring a radio broadcast regarding a vehicle pursuit.

Upon arrival at the termination of the pursuit, Corporal Pierson took up a position at the of Officer Quiroga's patrol car while his partner, Officer Engelke took up a
position at the Officer Quiroga was initially positioned at the
with his handgun pointed at the driver of the pursued vehicle and was making verbal announcements to the suspect to show his hands.
Officer Quiroga is a canine handler.
Officer Quiroga and left
his position at the to retrieve his canine from the back driver's side door of his vehicle.
When Corporal Pierson moved into the he re-adjusted his grip he unintentionally hit his
right arm on the vehicle's As a result of hitting his arm, Corporal Pierson accidently pulled the trigger discharging one bullet in a northerly direction, towards the suspect.

When Corporal Pierson heard the round go off it took him a "minute" to realize his handgun had moved and he discharged the round.

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^{**} Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

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Date of Incident:

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Time of Incident:

**1915** hours

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000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

Officer Engelke told investigators he heard Corporal Pierson say, "Oh shit" after discharging his handgun. This response further substantiates that Corporal Pierson's actions during this incident were plainly, an accident.

The actions of Officer Quiroga, Officer Engelke, and Corporal Pierson during this would not have been necessary at all had Flores simply yielded to Officer Quiroga when he initiated the traffic stop.

Flores admitted he had been smoking marijuana. He admitted he saw the officer looking at him as he drove by and got nervous because he had warrants. Flores also admitted he accelerated to speeds of 50 miles an hour in an attempt to ditch the officer.

Corporal Pierson found	himself in dangerous, poter	itially life threatening	situation. In ar
attempt to conduct the	using		he made a
mistake by accidentally	discharging his firearm.		

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Date of Incident:

Tuesday, March 10, 2015

Time of Incident:

1915 hours

Location of Incident:

000 Gladiola Drive, National City

Subject:

Shooting of Jesus Anthony Flores-Azhocar

The following allegations are alleged with the listed findings:

### Rules and Regulations 5.0- Performance of Duty

"Employees shall maintain sufficient competency to enable them to properly perform the duties and to assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain acceptable standards of efficiency in carrying out the functions and objectives of the department."

Corporal Pierson admitted, and all the evidence presented corroborate, he fired his handgun accidentally during the course of a legal and lawful attempt to conduct I amount of the course of a legal and lawful attempt to conduct I amount of the course of his case he did not maintain sufficient competency to properly perform the duties of his position making this allegation: SUSTAINED

### **Operating Procedure 051- Firearms**

"Officers shall not unnecessarily display any firearm in a public place, or carelessly handle a firearm at any time."

Corporal Pierson handled his firearm in such a way as to accidentally pull the trigger and discharge a round. In this case he carelessly handled a firearm making this allegation: SUSTAINED

Completed By: Sgt. C. Camcon ID#: 397 Division; Operations Support Date: 10/26/2017

Tracking # 15-2-D

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Date of Incident:

Time of Incident:

Location of Incident:

Subject:

Tuesday, March 10, 2015

1915 hours

000 Gladiola Drive, National City

Shooting of Jesus Anthony Flores-Azhocar

### **DOCUMENTATION:**

The following documentation is attached:

- One original Complaint and Tracking form
- (16) Compact discs containing video, audio and photos
- Related CAD printouts
- Handwritten notes
- Investigator reports
- San Diego County Sheriff's Lab Report
- Training records and certificate
- Property and evidence list
- Email communication
- Correspondence from San Diego County District Attorney's Office

Completed By: Sgt. C. Cameon ID#: 397 Division: Operations Support Date: 10/26/2017

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** Reviewing Lieutenants signature on last page is indicative that the underlying Lieutenant has reviewed the investigation in its entirety. **

# **National City Police Department** COMMAND STAFF SUPPLEMENAL **Recommendations Report**



I.A. Tracking # 15-02-D

# RECOMMENDATIONS:

Approved By:

SUMMARY:
On Tuesday, March 10, 2015 at about 1735 hours, Canine Officer Quiroga initiated a traffic stop on a black Honda Accord bearing California license plate for not having a front license plate; a violation of Vehicle Code 5200. The vehicle failed to yield and led Officer Quiroga on a short pursuit through a residential neighborhood. The vehicle eventually yielded in the 000 block of Gladiola Drive in National City where this incident occurred.
Officer Quiroga initiated a on the Honda and ordered the driver, Jesus Anthony Flores-Azhocar, to show him his hands. Flores complied with Officer Quiroga's orders and stuck his hands and arms out the open driver's door window. Corporal Pierson and Officer Engelke arrived on scene and assisted with the
Corporal Pierson moved to Officer Quiroga's position
Corporal Pierson positioned himself at the As Corporal Pierson raised his handgun to point it at Flores, he accidently discharged his firearm. The bullet struck Flores on his left arm.
At the time of this incident, Flores was an unlicensed driver and was wanted for a misdemeanor \$5000 warrant for 647(b) PC-Disorderly Conduct: Prostitution.
Due to the civil litigation on this case, this investigation was tolled for approximately one-year and a half $(06/01/2015 - 02/08/2017)$ .
Completed By: Lt. G. Young ID#: 365 Division: Investigations Division Date: 10/26/17 1

ID#: 197 Division: POMP Date:

# National City Police Department COMMAND STAFF SUPPLEMENAL Recommendations Report



The following allegations are alleged with the listed findings by Sergeant Cameon:

### Rules and Regulations 5.0- Performance of Duty

"Employees shall maintain sufficient competency to enable them to properly perform the duties and to assume the responsibilities of their positions. Employees shall perform their duties in a manner which will maintain acceptable standards of efficiency in carrying out the functions and objectives of the department."

Corporal Pierson admitted, and all the evidence presented corroborate, he fired his handgun accidentally during the course of a legal and lawful attempt to conduct a high risk vehicle stop. In this case he did not maintain sufficient competency to properly perform the duties of his position making this allegation: SUSTAINED

### **Operating Procedure 051- Firearms**

"Officers shall not unnecessarily display any firearm in a public place, or carelessly handle a firearm at any time."

Corporal Pierson handled his firearm in such a way as to accidentally pull the trigger and discharge a round. In this case he carelessly handled a firearm making this allegation: **SUSTAINED** 

### **RECOMMENDATIONS:**

I have reviewed Sergeant Cameon's investigation, IA #15-02-D in its entirety. I concur with both of his findings and conclusions in this investigation. For the first allegation regarding Rules and Regulations 5.0 - Performance of Duty, in this case Corporal Pierson did not maintain sufficient competency to properly perform the duties of his position making this allegation: "SUSTAINED."

As for the second allegation regarding Operating Procedure 051- Firearms, in this case Corporal Pierson handled his firearm in such a way as to accidentally pull the trigger and discharge a round. In this case he carelessly handled a firearm making this allegation: "SUSTAINED."

Completed By: Lt. G. Young ID#: 365 Division: Investigations Division Date: 10/26/17 2

Approved By: ID#: 297 Division: 4000 Date: 11/3/17

# National City Police Department COMMAND STAFF SUPPLEMENAL Recommendations Report



Based upon the totality of events surrounding this incident and in following the structure of progressive discipline, I recommend that Corporal Darren Pierson receive a "Written Notice of Deficiency" for the above-noted violations.

SEE ADSUDICATION FOR TECOMMENDED

DISCILLATE. DIME

Completed By: Lt. G. Young ID#: 365 Division: Investigations Division Date: 10/26/17

Approved By: ID#: 277 Division: 11/13/17

# NATIONAL CITY POLICE DEPARTMENT MEMORANDUM

Date:

November 13, 2017

To:

Manuel Rodriguez, Chief of Police

From:

David M. Espiritu, Captain

Subject:

Adjudication IA 15-2-D

On March 10, 2015, at about	1735 hours, Canine Officer Quiroga initiated a traffic stop
on a black Honda Accord for	r not having a front license plate. The vehicle failed to yield
and a short pursuit ensued.	The vehicle eventually stopped in the 000 block of Gladiola
Drive in National City and a	was initiated. The driver, Jesus
Anthony Flores-Azhocar stu	ck his hands and arms out the open driver's door window, as
directed by Officer Quiroga.	Corporal Pierson and Officer Engelke arrived and assisted
with the	. Corporal Pierson positioned himself at the
of Officer Quiroga's	s vehicle. As Corporal Pierson raised his handgun to point it
at Flores, he accidently disch	narged his firearm. The bullet struck Flores on his left arm.

I have reviewed and concur with the sustained findings of IA report #15-2-D.

# Corporal Pierson violated:

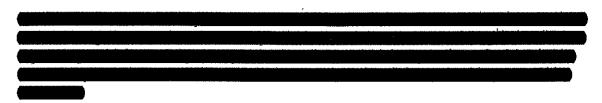
- Department Operating Procedure 051, which partially states the following: "Officers shall not carelessly handle a firearm at any time."
- Rules and Regulations 5.0, which partially states the following: "Employees shall
  maintain sufficient competency to enable them to properly perform the duties and
  assume the responsibilities of their positions. Employees shall perform their
  duties in a manner which will maintain acceptable standards of efficiency in
  carrying out the functions and objectives of the department."

Based on Sergeant Cameon's investigation, Lieutenant Young recommended that Corporal Pierson receive a "Written Notice of Deficiency." I disagree to the recommended discipline and believe the appropriate level of discipline should be suspension.

### Rationale:

This investigation has revealed that Corporal Pierson did not maintain sufficient competency to properly perform his duties, which resulted in the carelessly handling of his firearm. As a result of Corporal Pierson accidentally discharging his weapon, a

complying suspect sustained a gunshot wound and broken left elbow, which required surgery.



Therefore, I recommend Corporal Pierson be Suspended for (40) hours.

Complainant:

Department initiated

Investigator:

Sgt. Christopher Cameon

This case is adjudicated and the Command will issue a Notice of Intent to Discipline for a (40) hour suspension, to Corporal Pierson within the next 30 days, for violation of the listed Department Operating Procedure, Rules and Regulations.

David M. Espiritu, Captain



# NATIONAL CITY POLICE DEPARTMENT MEMORANDUM

DATE:

March 16, 2015

TO:

Darren Pierson, Corporal

FROM:

Chris Cameon, Internal Affairs Sergeant

SUBJECT:

Internal Affairs Notification Letter

Complainant:

**Department Initiated** 

Date of Incident:

March 10, 2015

Location of Incident:

000 Gladiola, National City

Allegation:

Officer Involved Shooting

Incident No:

1501541

IA Tacking No:

15-2-D

This is to inform you that a Department initiated investigation will be conducted regarding your involvement in the shooting of Jesus Flores-Azhocar. The investigation of this complaint will be handled by the Internal Affairs Division. I will contact you to arrange an interview if necessary. Please review all related reports prior to your interview.

As a sworn member of this department, you should be aware of your rights contained in Government Code Sections 3300-3311 (Peace Officer's Bill of Rights) or contact an employee representative or attorney for advice.

You are hereby ordered not to disclose anything regarding this investigation with anyone other than your employee representative or legal counsel.

If you have any questions, please feel free to contact the Internal Affairs unit at:

10/26/17

(619) 336-4524.

Chris Cameon, Sergeant

Internal Affairs Unit

I have received a copy of this memorandum and agree to comply with the orders issued:

Signature of Employee

10/20/2017 Date

# NA NAL CITY POLICE DEPARMENT COMPLAINT AND TRACKING FOI

COMPLAINANT  NAME  DOB: SEX RACE HGT: WGT:  ADDRESS: HOME PHONE:  CITY: ST: ZIP: CELL PHONE:  CITY: ST: ZIP: CELL PHONE:  CITY: ST: ZIP: CELL PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT: PHONE:  CITY: ST: ZIP: ALT:	☐ CITIZEN COMPLA IA USE ONLY	NINT VEHICLE DAMAGE REPORT (25)DEPARTME DUE DATE: TRACKING NUMBER: 76+.	NT INVESTIGATION えより
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# NATIONAL CITY POLICE DEPARTMENT COMPLAINT PROCEDURE FORM



The National City Police Department acknowledges its responsibility to establish a system of complaint and disciplinary procedures which not only subject its employees to corrective action when the conduct is improper, but also protects them from unwarranted criticism when their duties are discharged properly. It is our purpose to work with the community to provide, fair, and expeditious dispose of complaints about the conduct of our employees. The National City Police Department welcomes constructive criticism of our employees. The National City Police Department welcomes constructive criticism of our organization and valid complaints against its members or procedures as well as positive feedback for exemplary service.

We sincerely hope you will never need to make a complaint about our services. Should you need to, however, you may rest assured that we will objectively investigate your complaint, get to the truth, and take corrective action for any misconduct so as to preserve the public trust. Your complaint and concerns will be given the most serious consideration.

### ANSWERS TO COMMON QUESTIONS ABOUT OUR COMPLAINT PROCESS

What If I want to make a complaint? If you believe that a member of the National City Police Department has committed an act of misconduct, you may ask to speak to a supervisor. The supervisor will discuss the matter with you and may be able to resolve the issue immediately and to your satisfaction. This is referred to as an inquiry. You may also choose to file a formal complaint. Certain types of complaints may require they be handled formally.

Where do I go to make a complaint? You may get in touch with a supervisor by calling our 24-hour police dispatch phone number at (619) 336-4411. You may also go directly to the lobby of our Police Facility, located at 1200 National City Blvd, in the City of National City, during normal business hours (Monday thru Friday, 7: 30am until 5: 30pm)

What happens after I file a complaint? It a supervisor handles your complaint informally, the matter will be discussed with the involved employee. The supervisor will provide the employee with correction, guidance or training as necessary. The supervisor may simply explain your position, so that similar instances may be better handled in the future.

If you choose to file a formal complaint, if will be forwarded to the Internal Affairs Unit for processing and assignment. Once your complaint is assigned a tracking number you will receive written confirmation that your complaint has been assigned to an investigator within (7) days. You may be contacted by the investigator for a more detailed interview about your complaint.

Who will investigate my complaint? Complaints are normally assigned to the employee's direct supervisor for investigation. In some circumstances the complaint may be assigned to the internal Affairs Unit.

What will happen to the involved employee? That depends on what was done and what the circumstances were at the time. If the investigation finds that the employee conduct was improper, the employee may be disciplined.

Will I be told when the investigation is completed? Yes, you will be notified by mail that the investigation has been completed and will be told the disposition. California Penal Code 832,7 require disciplinary matters to be kept confidential, thus you will not be told the type or amount of discipline imposed.

Written complaints may be submitted on the backside of this form either in person at the National City Police Facility, or by mail to:

National City Police Department Internal Affairs Unit 1200 National City Blvd. National City, CA 91950

If you have any additional questions about our complaint process you may contact the internal Affairs Unit directly at (619) 336-4508.

I now believe that the conduct of performance of the involved officer of employee of the inational City Police Department was justified, legal of in compliance with the folias, regulations, or procedures of the National City Police Department or state law.					
I therefore, withdraw my compl	aint without tear of any threat, coe	ercion or intimidation.			
Signature:	Date:	Witnessed By:	Date:		
	Penal Code 14	48.6(a)(2) requires the following no	tification:		
LAW REQUIRES THIS AGE DESCRIPTION OF THIS PR WARRANT ACTION ON YOU INVESTIGATED IF YOU BE	ENCY TO HAVE A PROCEDU ROCEDURE. THIS AGENCY I DUR COMPLAINT; EVEN IF TI ELIEVE AN OFFICER BEHAVI	RE TO INVESTIGATE CITIZEN'S COMI WAY FIND AFTER INVESTIGATION THA HAT IS THE CASE, YOU HAVE THE RIG	PROPER POLICE MISCONDUCT, CALIFORNIA PLAINTS, YOU HAVE A RIGHT TO A WRITTEN AT THERE IS NOT ENOUGH EVIDENCE TO GHT TO MAKE THE COMPLAINT AND HAVE IT TS AND ANY REPORTS OR FINDINGS RELATING		
I have read and understood	the above statement. I hereby	certify that the above facts are true and	correct		
COMPLAINANT'S	SIGNATURE	DATE	WITNESSED BY		

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